

M. Shimada, et al.

USSN: 10/019,639

Page 2

In the currently outstanding non-final Official Action, the Examiner has:

1. Identified the following species of the present invention that he alleges to be patentably distinct from one another:

Species A, Figures 3A, 3B and 8 - Claims 1-3

Species B, Figures 4 and 9 - Claims 1, 4 and 5

2. Required the Applicants to elect one of the foregoing species under PCT Rule 13.1 for prosecution on the merits to which the claims shall be restricted in the event that no generic claim is found to be allowable.
3. Required Applicants to list all of the pending claims that they deem to be readable on the elected species;
4. Indicated that Claims 1, 11 and 12 are deemed to be generic to both Species A and Species B;
5. Indicated that upon the allowance of a generic claim, Applicants will be entitled to consideration of claims directed to additional species that are written in dependent form (i.e., in this case, Species B, Claims 4 and 5) or otherwise include all of the limitations of the allowed generic claim (i.e., in this case, Claims 6-10);
5. Reminded Applicants that any claims added to this application must specify the species to which they are directed.

In response to the currently outstanding requirement for restriction, **Applicants hereby elect Species A Figures 3A, 3B and 8 - Claims 1-3, without traverse** for further prosecution in the merits in this application.

Applicants respectfully submit that this communication is fully responsive to the currently outstanding Official Action in the above-identified application. Early substantive consideration and allowance of the above-identified application is respectfully requested.

It is noted that the Office Action did not note or acknowledge Applicants' Information Disclosure Statements of 22 January 2002 and 29 September 2003, or provide the Applicants with signed, dated and initialed copies of the Forms PTO-1449 submitted therewith in confirmation of the consideration of the art listed therein. Such action is respectfully requested.

It is also noted that the Office action did not acknowledge Applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d) or (f), or the receipt by the United States Patent and Trademark Office of the required copy of the Priority Documents from the International Bureau (see Form PCT/IB/304 filed with the above-identified application). Such action is respectfully requested.

M. Shimada, et al.
USSN: 10/019,639
Page 4

Applicants believe that additional fees beyond those submitted herewith are not required in connection with the consideration of this response to the currently outstanding Official Action. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge and/or credit Deposit Account No. **04-1105**, as necessary, for the correct payment of all fees which may be due in connection with the filing and consideration of this communication.

Respectfully submitted,

Date: June 9, 2005

David A. Tucker
SIGNATURE OF PRACTITIONER

Reg. No.: 27,840

David A. Tucker
(Type or print name of practitioner)
Attorney for Applicant(s)

Tel. No. (617) 517-5508

Edwards & Angell, LLP
P.O. Box 55874
P.O. Address

Customer No.: 21874

Boston, MA 02205

494489